

James K. Hogan (JH1537)
BRUNO, GERBINO & SORIANO, LLP
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File No. L9-3082

Counsel for Defendant ALLSTATE INSURANCE COMPANY

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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STEWART MEYERS,

Plaintiff,

Docket No. **08 CIV 4769**

- against -

ALLSTATE INSURANCE COMPANY,

**JUDGE BERMAN
“ECF CASE”**

Defendant

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NOTICE OF REMOVAL

Defendant ALLSTATE INSURANCE COMPANY (hereinafter ALLSTATE), by and through its counsel, BRUNO, GERBINO & SORIANO, LLP., submits this Notice of Removal of this action to the United States District Court of the Southern District of New York, pursuant to 28 U.S.C. §§ 1441 respectfully states as follows:

1. On or about April 1, 2008, Plaintiff brought this civil action against ALLSTATE in the Supreme Court for the County of Bronx, under Index Number 302751/2008. Annexed hereto is a copy of the Summons and Complaint as **Exhibit A**. ALLSTATE is not aware of any other process, pleadings or orders served upon ALLSTATE in this action to date.
2. The Action is one for money damages as a result of alleged injuries sustained in a motor

vehicle accident that occurred in Danbury, Connecticut, on July 19, 2006. Plaintiff has made a claim against the owner and operator of the other car involved in that accident, and now makes a claim pursuant to the Supplementary Uninsured Motorist coverage in his own automobile insurance policy with ALLSTATE.

3. Pursuant to 28 U.S.C. § 1441 (a), this Notice of Removal is being filed with the clerk of the federal district within which the Action was brought.

JURISDICTION

4. This Court has original jurisdiction over this civil action pursuant to 28 U.S.C. § 1331 and §1441, in that it is a civil action arising under one or more laws of the United States. More specifically, the MEYERS' action is based upon diversity jurisdiction in that he was a resident of Connecticut at the time of this loss and ALLSTATE is an Illinois corporation, and the amount in controversy is \$600,000.00.
5. ALLSTATE files this Notice of Removal within one year of the date the action was originally filed and within thirty days of receipt of the complaint by ALLSTATE. Removal is accordingly timely.
6. Removing Defendant will give written notice to the Plaintiff, through his counsel, of the filing of this Notice of Removal, as required by 28 U.S.C. § 1446 (d).
7. A copy of this Notice of Removal and a Notice of Filing the Notice of Removal will be filed by the Removing Defendant with the Clerk of the Supreme Court of the State of New York, County of Bronx, as required by 28 U.S.C. § 1446 (d).

WHEREFORE, Defendant ALLSTATE INSURANCE COMPANY, respectfully prays for the removal of the above captioned action from the Supreme Court of the State of New York, County of Bronx, to the United Stated District Court for the Southern District of New York, and

for such other and further relief as this Court seems just and proper in the premises.

Dated: Melville, New York
May 20, 2008

BRUNO, GERBINO & SORIANO, LLP

By: _____
JAMES K. HOGAN (JH1537)
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